

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN ROBERT DEMOS, JR.,

CASE NO. C21-1405 BHS

Plaintiff,

## ORDER ADOPTING REPORT AND RECOMMENDATION

JOHN DOE,

Defendant.

This matter comes before the Court on the Report and Recommendation (“R&R”)

of the Honorable Michelle L. Peterson, United States Magistrate Judge, Dkt. 4, and

Plaintiff's objections to the R&R, Dkt. 5.

Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993). He may submit only three IFP applications and proposed actions each year. *See In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982). Furthermore,

1 under 28 U.S.C. § 1915(g), Plaintiff must demonstrate “imminent danger of serious  
2 physical injury” to proceed IFP because he has had more than three prior actions  
3 dismissed as frivolous, malicious, or for failure to state claim. *See Demos v. Lehman*,  
4 MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

5 Plaintiff commenced this action in October 2021, alleging that Defendant, whom  
6 he identifies as the Director of the President’s National Security Council, violated his  
7 rights under the Presidential and Executive Office Accountability Act, 3 U.S.C. § 401, *et*  
8 *seq.*, and under the First and Fourteenth Amendments, when he denied Plaintiff  
9 employment with the National Security Council in retaliation for Plaintiff being a  
10 whistleblower. *See* Dkt. 1-1. Judge Peterson issued the instant R&R in November 2021,  
11 recommending dismissal. Dkt. 4. The R&R recommends that the Court deny Plaintiff’s *in*  
12 *forma pauperis* application and dismiss the action because (1) Plaintiff has reached his  
13 annual limit of three IFP applications this year and (2) he has not demonstrated  
14 “imminent danger of serious physical injury” to proceed IFP. *Id.* at 2. Plaintiff objects to  
15 the R&R’s recommendation, Dkt. 5, and subsequently filed an addendum, Dkt. 6.

16 The district judge must determine de novo any part of the magistrate judge’s  
17 disposition that has been properly objected to. The district judge may accept, reject, or  
18 modify the recommended disposition; receive further evidence; or return the matter to the  
19 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

20 Plaintiff’s objections are insufficient, and the Court agrees with the R&R’s  
21 recommendations. Plaintiff has filed three IFP applications this calendar year, which bars  
22 him from commencing this action. *See, e.g., Demos v. Pence, et al.*, No. C21-109-BHS

1 (W.D. Wash.); *Demos v. Dominion Voting Systems, et al.*, No. C21-110-RAJ (W.D.  
2 Wash.); *Demos v. Holbrook, et al.*, No. C21-217-RJB (W.D. Wash.). Further, the R&R  
3 meets the requirements to apply § 1915(g) in this case.

4 The Court having considered the R&R, Plaintiff's objections, and the remaining  
5 record, does hereby find and order as follows:

- 6 (1) The R&R is **ADOPTED**;
- 7 (2) Plaintiff's application to proceed *in forma pauperis*, Dkt. 1, is **DENIED**;
- 8 (3) This matter is **DISMISSED without prejudice** pursuant to 28 U.S.C.  
9 § 1915(g) and standing bar orders; and
- 10 (4) The Clerk shall enter a JUDGMENT and close the case.

11 Dated this 27th day of December, 2021.

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14 BENJAMIN H. SETTLE  
United States District Judge